

**Calendar No. 732**

108TH CONGRESS  
2D SESSION

**S. 2622**

**[Report No. 108-373]**

To provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico.

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IN THE SENATE OF THE UNITED STATES

JULY 8, 2004

Mr. BINGAMAN (for himself and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 28, 2004

Reported by Mr. DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Pecos National Histor-  
3 ical Park Land Exchange Act of 2004”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **FEDERAL LAND.**—The term “Federal land”  
7 means the approximately 160 acres of Federal land  
8 within the Santa Fe National Forest in the State,  
9 as depicted on the map.

10 (2) **LANDOWNER.**—The term “landowner”  
11 means the 1 or more owners of the non-Federal  
12 land.

13 (3) **MAP.**—The term “map” means the map en-  
14 titled “Proposed Land Exchange for Pecos National  
15 Historical Park”, numbered 430/80,054, dated No-  
16 vember 19, 1999, and revised September 18, 2000.

17 (4) **NON-FEDERAL LAND.**—The term “non-Fed-  
18 eral land” means the approximately 154 acres of  
19 non-Federal land in the Park, as depicted on the  
20 map.

21 (5) **PARK.**—The term “Park” means the Pecos  
22 National Historical Park in the State.

23 (6) **SECRETARIES.**—The term “Secretaries”  
24 means the Secretary of the Interior and the Sec-  
25 retary of Agriculture, acting jointly.

1           (7) STATE.—The term “State” means the State  
2       of New Mexico.

3       **SEC. 3. LAND EXCHANGE.**

4           (a) IN GENERAL.—On conveyance by the landowner  
5       to the Secretary of the Interior of the non-Federal land,  
6       title to which is acceptable to the Secretary of the Interior.

7           (1) the Secretary of Agriculture shall, subject  
8       to the conditions of this Act, convey to the land-  
9       owner the Federal land; and

10          (2) the Secretary of the Interior shall, subject  
11       to the conditions of this Act, grant to the landowner  
12       the easement described in subsection (b).

13       (b) EASEMENT.—

14          (1) IN GENERAL.—The easement referred to in  
15       subsection (a)(2) is an easement (including an ease-  
16       ment for service access) for water pipelines to 2 well  
17       sites located in the Park, as generally depicted on  
18       the map.

19          (2) ROUTE.—The Secretary of the Interior, in  
20       consultation with the landowner, shall determine the  
21       appropriate route of the easement through the Park.

22          (3) TERMS AND CONDITIONS.—The easement  
23       shall include such terms and conditions relating to  
24       the use of, and access to, the well sites and pipeline;

as the Secretary of the Interior, in consultation with the landowner, determines to be appropriate.

~~(4) APPLICABLE LAW.~~—The easement shall be established, operated, and maintained in compliance with applicable Federal law.

~~(c) VALUATION, APPRAISALS, AND EQUALIZATION.~~—

~~(1) IN GENERAL.~~—The value of the Federal land and non-Federal land—

~~(A)~~ shall be equal, as determined by appraisals conducted in accordance with paragraph ~~(2)~~; or

~~(B)~~ if the value is not equal, shall be equalized in accordance with paragraph ~~(3)~~.

~~(2) APPRAISALS.~~—

~~(A) IN GENERAL.~~—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

~~(B) REQUIREMENTS.~~—An appraisal conducted under subparagraph ~~(A)~~ shall be conducted in accordance with—

~~(i)~~ the Uniform Appraisal Standards for Federal Land Acquisition; and

~~(ii)~~ the Uniform Standards of Professional Appraisal Practice.

(C) APPROVAL.—The appraisals conducted under this paragraph shall be submitted to the Secretary of the Interior for approval.

~~(3) EQUALIZATION OF VALUES.—~~

(A) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized by—

(i) the Secretary of the Interior making a cash equalization payment to the landowner;

(ii) the landowner making a cash equalization payment to the Secretary of Agriculture; or

(iii) reducing the acreage of the non-Federal land or the Federal land, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—

Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (~~43 U.S.C. 1716(b)~~) shall—

(i) be deposited in the fund established by Public Law 90–171 (commonly

1 known as the “Sisk Act”) (16 U.S.C.  
2 484a); and

3 (ii) be available for expenditure, with-  
4 out further appropriation, for the acqui-  
5 sition of land and interests in land in the  
6 State.

7 (d) COSTS.—Before the completion of the exchange  
8 under this section, the Secretaries and the landowner shall  
9 enter into an agreement that allocates the costs of the ex-  
10 change between the Secretaries and the landowner.

11 (e) APPLICABLE LAW.—Except as otherwise provided  
12 in this Act, the exchange of land and interests in land  
13 under this Act shall be in accordance with—

14 (1) section 206 of the Federal Land Policy and  
15 Management Act of 1976 (43 U.S.C. 1716); and

16 (2) other applicable laws, including the Na-  
17 tional Environmental Policy Act of 1969 (42 U.S.C.  
18 4321 et seq.).

19 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
20 retaries may require, in addition to any requirements  
21 under this Act, such terms and conditions relating to the  
22 exchange of Federal land and non-Federal land and the  
23 granting of easements under this Act as the Secretaries  
24 determine to be appropriate to protect the interests of the  
25 United States.

1       (g) COMPLETION OF THE EXCHANGE.—

2           (1) IN GENERAL.—The exchange of Federal  
3       land and non-Federal land shall be completed not  
4       later than 180 days after the later of—

5           (A) the date on which the requirements of  
6       the National Environmental Policy Act of 1969  
7       (42 U.S.C. 4321 et seq.) have been met; or

8           (B) the date on which the Secretary of the  
9       Interior approves the appraisals under sub-  
10      section (c)(2)(C).

11          (2) NOTICE.—The Secretaries shall submit to  
12      Committee on Energy and Natural Resources of the  
13      Senate and the Committee on Resources of the  
14      House of Representatives notice of the completion of  
15      the exchange of Federal land and non-Federal land  
16      under this Act.

17   **SEC. 4. ADMINISTRATION.**

18          (a) IN GENERAL.—The Secretary of the Interior shall  
19      administer the non-Federal land acquired under this Act  
20      in accordance with the laws generally applicable to units  
21      of the National Park System, including the Act of August  
22      25, 1916 (commonly known as the “National Park Service  
23      Organic Act”) (16 U.S.C. 1 et seq.).

24          (b) MAPS.—

1           (1) ~~IN GENERAL.~~—The map shall be on file and  
 2           available for public inspection in the appropriate of-  
 3           fices of the Secretaries.

4           (2) ~~TRANSMITTAL OF REVISED MAP TO CON-~~  
 5           ~~GRESS.~~—Not later than 180 days after completion  
 6           of the exchange, the Secretaries shall transmit to the  
 7           Committee on Energy and Natural Resources of the  
 8           United States and the Committee on Resources of  
 9           the United States House of Representatives a re-  
 10          vised map that depicts—

11                       (A) the Federal land and non-Federal land  
 12                       exchanged under this Act; and

13                       (B) the easement described in section 3(b).

14   **SECTION 1. SHORT TITLE.**

15           *This Act may be cited as the “Pecos National Histor-*  
 16           *ical Park Land Exchange Act of 2004”.*

17   **SEC. 2. DEFINITIONS.**

18           *In this Act:*

19                       (1) *FEDERAL LAND.*—The term “Federal land”  
 20                       *means the approximately 160 acres of Federal land*  
 21                       *within the Santa Fe National Forest in the State, as*  
 22                       *depicted on the map.*

23                       (2) *LANDOWNER.*—The term “landowner” means  
 24                       *the 1 or more owners of the non-Federal land.*



1           (3) *MAP.*—*The term “map” means the map enti-*  
 2           *tled “Proposed Land Exchange for Pecos National*  
 3           *Historical Park”, numbered 430/80,054, dated No-*  
 4           *vember 19, 1999, and revised September 18, 2000.*

5           (4) *NON-FEDERAL LAND.*—*The term “non-Fed-*  
 6           *eral land” means the approximately 154 acres of non-*  
 7           *Federal land in the Park, as depicted on the map.*

8           (5) *PARK.*—*The term “Park” means the Pecos*  
 9           *National Historical Park in the State.*

10          (6) *SECRETARIES.*—*The term “Secretaries”*  
 11          *means the Secretary of the Interior and the Secretary*  
 12          *of Agriculture, acting jointly.*

13          (7) *STATE.*—*The term “State” means the State*  
 14          *of New Mexico.*

15   **SEC. 3. LAND EXCHANGE.**

16          (a) *IN GENERAL.*—*On conveyance by the landowner*  
 17          *to the Secretary of the Interior of the non-Federal land, title*  
 18          *to which is acceptable to the Secretary of the Interior—*

19               (1) *the Secretary of Agriculture shall, subject to*  
 20               *the conditions of this Act, convey to the landowner the*  
 21               *Federal land; and*

22               (2) *the Secretary of the Interior shall, subject to*  
 23               *the conditions of this Act, grant to the landowner the*  
 24               *easement described in subsection (b).*

25          (b) *EASEMENT.*—

1           (1) *IN GENERAL.*—*The easement referred to in*  
 2           *subsection (a)(2) is an easement (including an ease-*  
 3           *ment for service access) for water pipelines to 2 well*  
 4           *sites located in the Park, as generally depicted on the*  
 5           *map.*

6           (2) *ROUTE.*—*The Secretary of the Interior, in*  
 7           *consultation with the landowner, shall determine the*  
 8           *appropriate route of the easement through the Park.*

9           (3) *TERMS AND CONDITIONS.*—*The easement*  
 10          *shall include such terms and conditions relating to*  
 11          *the use of, and access to, the well sites and pipeline,*  
 12          *as the Secretary of the Interior, in consultation with*  
 13          *the landowner, determines to be appropriate.*

14          (4) *APPLICABLE LAW.*—*The easement shall be es-*  
 15          *tablished, operated, and maintained in compliance*  
 16          *with applicable Federal law.*

17          (c) *VALUATION, APPRAISALS, AND EQUALIZATION.*—

18               (1) *IN GENERAL.*—*The value of the Federal land*  
 19               *and non-Federal land—*

20                       (A) *shall be equal, as determined by ap-*  
 21                       *praisals conducted in accordance with para-*  
 22                       *graph (2); or*

23                       (B) *if the value is not equal, shall be equal-*  
 24                       *ized in accordance with paragraph (3).*

25               (2) *APPRAISALS.*—

1           (A) *IN GENERAL.*—*The Federal land and*  
 2           *non-Federal land shall be appraised by an inde-*  
 3           *pendent appraiser selected by the Secretaries.*

4           (B) *REQUIREMENTS.*—*An appraisal con-*  
 5           *ducted under subparagraph (A) shall be con-*  
 6           *ducted in accordance with—*

7                   (i) *the Uniform Appraisal Standards*  
 8                   *for Federal Land Acquisition; and*

9                   (ii) *the Uniform Standards of Profes-*  
 10                  *sional Appraisal Practice.*

11          (C) *APPROVAL.*—*The appraisals conducted*  
 12          *under this paragraph shall be submitted to the*  
 13          *Secretaries for approval.*

14          (3) *EQUALIZATION OF VALUES.*—

15               (A) *IN GENERAL.*—*If the values of the non-*  
 16               *Federal land and the Federal land are not equal,*  
 17               *the values may be equalized by—*

18                   (i) *the Secretary of the Interior mak-*  
 19                   *ing a cash equalization payment to the*  
 20                   *landowner;*

21                   (ii) *the landowner making a cash*  
 22                   *equalization payment to the Secretary of*  
 23                   *Agriculture; or*

1                   (iii) *reducing the acreage of the non-*  
 2                   *Federal land or the Federal land, as appro-*  
 3                   *priate.*

4                   (B) *CASH EQUALIZATION PAYMENTS.—Any*  
 5                   *amounts received by the Secretary of Agriculture*  
 6                   *as a cash equalization payment under section*  
 7                   *206(b) of the Federal Land Policy and Manage-*  
 8                   *ment Act of 1976 (43 U.S.C. 1716(b)) shall—*

9                   (i) *be deposited in the fund established*  
 10                  *by Public Law 90–171 (commonly known*  
 11                  *as the “Sisk Act”) (16 U.S.C. 484a); and*

12                  (ii) *be available for expenditure, with-*  
 13                  *out further appropriation, for the acquisi-*  
 14                  *tion of land and interests in land in the*  
 15                  *State.*

16               (d) *COSTS.—Before the completion of the exchange*  
 17               *under this section, the Secretaries and the landowner shall*  
 18               *enter into an agreement that allocates the costs of the ex-*  
 19               *change among the Secretaries and the landowner.*

20               (e) *APPLICABLE LAW.—Except as otherwise provided*  
 21               *in this Act, the exchange of land and interests in land under*  
 22               *this Act shall be in accordance with—*

23                   (1) *section 206 of the Federal Land Policy and*  
 24                   *Management Act of 1976 (43 U.S.C. 1716); and*

1           (2) *other applicable laws, including the National*  
 2           *Environmental Policy Act of 1969 (42 U.S.C. 4321 et*  
 3           *seq.).*

4           (f) *ADDITIONAL TERMS AND CONDITIONS.—The Secre-*  
 5           *taries may require, in addition to any requirements under*  
 6           *this Act, such terms and conditions relating to the exchange*  
 7           *of Federal land and non-Federal land and the granting of*  
 8           *easements under this Act as the Secretaries determine to*  
 9           *be appropriate to protect the interests of the United States.*

10          (g) *COMPLETION OF THE EXCHANGE.—*

11           (1) *IN GENERAL.—The exchange of Federal land*  
 12           *and non-Federal land shall be completed not later*  
 13           *than 180 days after the later of—*

14                   (A) *the date on which the requirements of*  
 15                   *the National Environmental Policy Act of 1969*  
 16                   *(42 U.S.C. 4321 et seq.) have been met;*

17                   (B) *the date on which the Secretary of the*  
 18                   *Interior approves the appraisals under sub-*  
 19                   *section (c)(2)(C); or*

20                   (C) *the date on which the Secretaries and*  
 21                   *the landowner agree on the costs of the exchange*  
 22                   *and any other terms and conditions of the ex-*  
 23                   *change under this section.*

24           (2) *NOTICE.—The Secretaries shall submit to the*  
 25           *Committee on Energy and Natural Resources of the*

1       *Senate and the Committee on Resources of the House*  
2       *of Representatives notice of the completion of the ex-*  
3       *change of Federal land and non-Federal land under*  
4       *this Act.*

5   **SEC. 4. ADMINISTRATION.**

6       (a) *IN GENERAL.*—*The Secretary of the Interior shall*  
7       *administer the non-Federal land acquired under this Act*  
8       *in accordance with the laws generally applicable to units*  
9       *of the National Park System, including the Act of August*  
10      *25, 1916 (commonly known as the “National Park Service*  
11      *Organic Act”)* (16 U.S.C. 1 et seq.).

12      (b) *MAPS.*—

13           (1) *IN GENERAL.*—*The map shall be on file and*  
14       *available for public inspection in the appropriate of-*  
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16           (2) *TRANSMITTAL OF REVISED MAP TO CON-*  
17       *GRESS.*—*Not later than 180 days after completion of*  
18       *the exchange, the Secretaries shall transmit to the*  
19       *Committee on Energy and Natural Resources of the*  
20       *Senate and the Committee on Resources of the House*  
21       *of Representatives a revised map that depicts—*

22                   (A) *the Federal land and non-Federal land*  
23                   *exchanged under this Act; and*

24                   (B) *the easement described in section 3(b).*



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